

**ASSEMBLY BILL**

**No. 1282**

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**Introduced by Assembly Member Salas**

February 23, 2007

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An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1282, as introduced, Salas. Advertising: telephone directory listings: business location representations.

Existing law provides for the regulation of advertising in the state and makes certain advertising practices unlawful. A violation of the provisions regulating advertising is a crime.

This bill would make it unlawful for a provider or vendor of a service or product to misrepresent the geographic location of its business by either (1) listing a local telephone number in any listing or advertisement, if calls to the telephone number are routinely forwarded to a business location different from the geographic location of the business indicated in the advertisement or listing and the advertisement or listing does not identify the true physical address of the business; or (2) listing a fictitious business name or an assumed business name in any listing or advertisement, if the name misrepresents the location of the business and the listing or advertisement does not identify the true physical address of the business. This bill would state that it does not create any duty nor impose any obligation upon anyone other than the business that is the subject of the advertisement or listing. By creating new advertising prohibitions, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17537.10 is added to the Business and  
2 Professions Code, to read:

3 17537.10. (a) It is unlawful for a provider or vendor of a  
4 service or product to misrepresent the geographic location of its  
5 business by doing either of the following:

6 (1) Listing a local telephone number in any advertisement or  
7 listing if both of the following criteria are met:

8 (A) Calls to the telephone number are routinely forwarded or  
9 otherwise transferred to a provider's or vendor's business location  
10 that is different from the geographic location of the business  
11 indicated in the advertisement or listing.

12 (B) The advertisement or listing does not identify the true  
13 physical address, including the city and state, of the provider's or  
14 vendor's business.

15 (2) Listing a fictitious business name or an assumed business  
16 name in any advertisement or listing if both of the following criteria  
17 are met:

18 (A) The name misrepresents the provider's or vendor's  
19 geographic location.

20 (B) The advertisement or listing does not identify the true  
21 physical address, including the city and state, of the provider's or  
22 vendor's business.

23 (b) For the purposes of this section, "local telephone number"  
24 means a specific telephone number (area code and prefix) assigned  
25 for the purpose of completing local calls between a calling party  
26 or station and any other party or station within a designated  
27 exchange or all of its designated local calling areas. The term does  
28 not include long distance telephone numbers or 800 or 900  
29 exchange telephone numbers listed in a local telephone directory.

1 (c) This section creates no duty and imposes no obligation upon  
2 anyone other than the business that is the subject of the  
3 advertisement or listing.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.